

**Santa Fe Board of County Commissioners**  
County Commission Chambers  
County Administration Building

**REGULAR MEETING**  
**November 10<sup>th</sup>, 2009 – 1:00 pm**

*Please turn off Cellular Phones during the meeting.*

***Amended Agenda***

- I. Call To Order**
- II. Roll Call**
- III. Pledge Of Allegiance**
- IV. State Pledge**
- V. Invocation**
- VI. Approval Of Agenda**
  - Amendments**
  - Tabled Or Withdrawn Items**
- VII. Approval Of Consent Calendar**
  - A. Consent Calendar Withdrawals**
- VIII. Approval Of Minutes**
  - A. Approval of October 16<sup>th</sup>, 2009 BCC Minutes**
- IX. Matters Of Public Concern –NON-ACTION ITEMS**
- X. Matters From The Commission**
  - A. Sierra Club/PNM Energy Efficiency Awareness Campaign And CFL Light Bulb Distribution, (Commissioner Vigil)**
  - B. Resolution 2009-\_\_ A Resolution To Co-Sponsor A Forum For The Purposes Of Sharing Information And Discussing Priorities And Emerging Issues. (Commissioner Vigil)**

- C. **Resolution 2009 – A Resolution Recognizing The Urgency Of Stabilizing The Climate As Well As The Role That Santa Fe County Can Plan In Such An Endeavor, And In Support Of U.S. Mayors Climate Protection Agreement (Commissioner Holian)**
- D. **A Proclamation To Honor And Remember The Life Of Benjamin E. Martinez (Commissioner Holian)(TABLED)**
- E. **Status Report On The Results For The Applied Solutions Workshop In Santa Fe, New Mexico (Commissioner Holian)**
- F. **Resolution 2009 – A Resolution Urging the New Mexico State Legislature to Amend the Local Liquor Excise Tax Act to Authorize all New Mexico Counties to Impose a Local Liquor Tax Upon Approval of the Local Voters and to Authorize the Use of the Tax Proceeds to Fund Social Service Programs Serving Persons Impacted by Alcohol and Drug Abuse (Commissioner Montoya)**
- G. **Resolution 2009 – A Resolution Urging The New Mexico State Legislature To Adopt Governor Bill Richardson’s Proposed DWI 2010 Legislation (Commissioner Montoya)**

**XI. Consent Calendar**

**A. Community Funds**

- 1. **Discussion And Possible Approval For An Expenditure Of Community Funds In The Amount Of \$500 In Support Of The Pojoaque Middle School History Club ( Commissioner Montoya)**
- 2. **Approval for an Expenditure of Community Funds in the Amount of \$300 in support of the Pojoaque Valley High School (PVHS) Elks Basketball Program (Commissioner Montoya)**

**B. Budget Adjustments**

- 1. **Resolution 2009 – A Resolution Requesting An Increase To The General Fund (101) To Budget Available Cash Balance To Purchase The Santa Fe Canyon Ranch / \$7,000,000. (County Manager’s Office)**
- 2. **Resolution 2009 – A Resolution Requesting An Increase To The Community Development Block Grants Fund (250) To Budget A Grant Awarded Through The NM Department Of Finance And Administration For The Valle Vista Wastewater Treatment Plant / \$500,000. (Growth Management Department)**
- 3. **Resolution 2009 – A Resolution Requesting An Increase To The Water Enterprise Fund (505) To Budget Cash Carryover From Capital Reserves For The Valle Vista Wastewater Treatment Plant / \$770,000. (Growth Management Department)**
- 4. **Resolution 2009 – A Resolution Requesting An Increase To The Water Enterprise Fund (505) To Adjust The FY2010 Budget To The Available Balance For A Grant Awarded Through The NM Environment Department For The Agua Fria Sewer/Ben Lane Project / \$50,000. (Growth Management Department)**

5. **Resolution 2009 – A Resolution Requesting An Operating Transfer From The General Fund (101) To The Property Valuation Fund (203) To Transfer Salary Savings To Make Salary Adjustments To Various Employees For The Assessor’s Office / \$17,384. (County Assessor’s Office)**
6. **Resolution 2009 – A Resolution Requesting An Increase To The Law Enforcement Operations Fund (246) To Budget Insurance Recovery Revenue For Capital Expenditures / \$14,863.06. (County Sheriff’s Office)**
7. **Resolution 2009 – A Resolution Requesting An Increase To The Law Enforcement Operations Fund (246) To Budget Funds Awarded Through The US Department Of Justice To Purchase Safety Vests / \$5,485. (County Sheriff’s Office)**
8. **Resolution 2009 – A Resolution Requesting An Increase To The Fire Protection Fund (209) To Adjust The Original Budget To The Actual FY 2010 Fire Fund Allotment And To Carry Forward The FY 2009 Available Cash Balance For The State Penitentiary Fire District / \$123,803. (Community Services Department/Fire)**
9. **Resolution 2009 – A Resolution Requesting An Increase To The Fire Operations Fund (244) / Emergency Preparedness To Budget A Sub-Grant Agreement Amendment Awarded Through The NM Department Of Homeland Security & Emergency Management To Purchase A Decontamination Trailer / \$272,000. (Community Services Department/Fire)**
10. **Resolution 2009 – A Resolution Requesting To Establish The Capital Outlay Gross Receipts Tax Revenue Bond Series 2009 Fund (336) To Budget Bond Proceeds Totaling \$12,745,126 Issued For The Acquisition Of Water Rights. (Finance Division)**

**C. Miscellaneous**

1. **Request Approval To Convert Current Temporary Position To Full Time Employee To Allow For Continuation Of The Ongoing Clerk’s Scanning And Digitization Of Grantor/ Grantee Index Books Project. (County Clerk’s Office.)**
2. **Approval Of A Memorandum Of Agreement Between Santa Fe County And The NM Department Of Health For Funding The United Way Project Launch Program To Allow For Payment Of Program Activities In Federal Fiscal Year 2010 In The Amount Of \$733,000. (Health And Human Services Department)**
3. **Approval Of A Professional Services Agreement Between Santa Fe County And The United Way Of Santa Fe County For Funding The United Way Project Launch Program To Allow Payment For Program Activities In Federal Fiscal Year 2010 In The Amount Of \$733,000. (Health And Human Services Department).**

4. Request Approval Of A Donation Agreement To Accept Approximately 2.7 Acres Of Land On The Santa Fe River From The Trust For Public Land (Community Services Department.)
5. Requesting Approval Of Fourth Amendment To The Professional Services Agreement, Contract No. 26-0606-PW/JC, With Southwest Archeological Consultants, Inc., For Archaeological Testing, Data Recovery And Architectural Survey For Agua Fria Phase III Project In The Amount Of \$175,707.63 (Inclusive Of Tax) For Additional Archaeological Services Required On Agua Fria Due To The Discovery Of Unforeseen Features And An Increase In Artifact Recovery That Require Additional Excavation, Analysis, Final Report Entries And Artifact Curation. Also Requesting Approval For The Extension Of This Contract To June 30, 2011.(Growth Management Department)
6. Resolution No. 2009- A Resolution Authorizing the County Manager to Execute the Construction Contract for the South Meadows Road Improvement Project IFB # 2010-0037 PW/MS to the Lowest Responsive Bidder (Growth Management)
7. Request Approval of Inmate Confinement Agreement With the Pueblo of Sandia (Corrections Department)
8. Request Approval of Inmate Confinement Agreement With Socorro County(Corrections Department)
9. Request Approval of Inmate Confinement Agreement With Mora County (Corrections Department)
10. Request Approval of Inmate Confinement Agreement With The Pueblo Of Cochiti. (Corrections)
11. Request Approval of Inmate Confinement Agreement With Quay County. (Corrections)
12. Request Approval of Inmate Confinement Agreement With Taos County. (Corrections)

**D. Findings Of Fact**

1. **CDRC Case V 09-5150 Horacio And Pauline Herrera Density Variance** Horacio And Pauline Herrera, Applicants, Request A Variance Of Article III, Section 10 (Lot Size Requirements) Of The Santa Fe County Land Development Code To Divide 5.11 Acres Into Two (2) Lots For The Purpose Of A Family Transfer Land Division. The Subject Property Is Located At 12 Juniper Road, Within Section 31, Township 15 North, Range 9 East. (Commission District 3) APPROVED 5-0
2. **CDRC Case V 09-5170 Marcos Arguello Density Variance** Marcos Arguello, Applicant, Requests A Variance Of Article III, Section 10 (Lot Size Requirements) Of The Santa Fe County Land Development Code To Allow A Second Dwelling On 1.25 Acres. The Subject Property Is Located At 2B Los Tres Vecinos, Which Is

Off Of Camino Cruz Corta, Within Section 36, Township 17 North, Range 8 East. (Commission District 2) APPROVED 5-0

3. **CDRC Case # V 08-5280 Sandoval Variance.** Of Article III, Section 10 (Lot Size Requirements) Of The Land Development Code To Allow A Second Dwelling Unit On 1.25 Acres. The David Sandoval, Applicant Requested A Variance Property Is Located At 36a Emily Road Via I-25 East Frontage Road, Within Section 34, Township 16 North, Range 8 East, (Commission District 5). DENIED
4. **CDRC CASE # V 09-5050 Joe Albillar Variance.** Joe Albillar, Applicant, Requested A Variance Of Ordinance 2008-10 To Allow Access Through Paseo De Angel Which Does Not Have All Weather Access For A 2-Lot Family Transfer Land Division. The Property Is Located At 80 Paseo De Angel, Within The Traditional Historic Community Of La Cienega/ La Cieneguilla Section 21, Township 16 North, Range 8 East, Santa Fe County (Commission District 3) DENIED
5. **CDRC CASE # V 08-5390 Gilbert Montoya Variance.** Gilbert Montoya, Applicant, Requested A Variance Of Ordinance 2008-5 And Article III, Section 10 (Lot Size Requirements) To Allow A Second Dwelling Unit On .950 Acres. The Property Is Located At 139B Camino Del Rincon In Pojoaque Within Section 19, Township 16 North, Range 8 East, (Commission District 3) APPROVED 3-1
6. **CDRC CASE # APP 05-5040 Kirkpatrick Family Transfer Appeal.** Robin Sommers, Appellant, Shelby Robinson, Agent, Requested An Appeal Of The County Development Review Committee's Decision To Uphold The Land Use Administrators Decision To Approve A Request By James Kirkpatrick For A Family Transfer Land Division Of Four 20-Acre Lots Into Eight 10-Acre Lots (Case # DL 05-3026). The Property Is Located At 8, 28A, 28B And 28C Shaggy Peak Trail, Within Section 22, Township 16 North, Range 10 East (Commission District 4). John M. Salazar, Case Manager (DENIED)

## **XII. Staff and Elected officials Items**

### **A. County Surveyor**

1. **Request Approval To Increase The County Surveyor's Salary From Current Rate Of \$19,442 To \$22,358, The Maximum Allowed By State Statue. (TABLED)**

### **B. Human Resources**

1. **Request Approval Of Resolution 2009- Modifying Rules And Regulations Of The HR Handbook. (Human Resources) (TABLED)**

### **C. Community Services Department**

1. **Request Approval Of Amendment In The Amount Of \$33,850,00. Professional Services Agreement With NCA Architects, P.A. To Provide Redesign For Basement Parking Structure. This Redesign**

Is To Eliminate The Underslab Drainage Piping And Modify Structural Slab And Walls To Resist Hydrostatic Pressure From The Ground Water Fluctuation. The Redesign Is Needed Due To Contamination In Soil And Ground Water That Would Require A Treatment Plant And Discharge Permits For Contamination Discharge Through Drainage System And Sump As Originally Designed.(Community Services Department)

2. Request Approval Of Change Order No. 2 Between Santa Fe County And Bradbury Stamm Construction, Contract No. 290022 CSD/HGR, For Additional Construction Elements To Address Environmental Conditions For The First Judicial Courthouse Project Including Parking Basement Structural Enhancement, Barrier Wall, Soil Removal And Site Remediation Tasks Necessary for Construction \$x,xxx,xxx (Community Service Department)
3. Update Status Report On The November 17<sup>th</sup> Election to Renew The County Fire Protection Excise Tax. (Fire Department)

**D. Growth Management Department**

1. Approval Of Revised An Restated Joint Powers Agreement For The Santa Fe Metropolitan Planning Organization
2. Sustainable Land Development Plan Update (Growth Management)
3. **Staff Recommendation for Final Conjunctive Management Well Locations And Water Right Permitting (Utilities.)**

**E. Matters From The County Manager**

1. Update on the Capital Outlay projects.

**F. Matters From The County Attorney**

1. Resolution No. 2009-\_\_\_ Approving Publication Of A Notice Of Sale Of Santa Fe County, New Mexico General Obligation Refunding Bonds, Series 2010A In A Principal Amount Of \$13,335,000.
2. Discussion And Possible Action On Bids For Insurance Coverage.
3. **Consideration And Approval Of The Memorandum Agreement Between The City Of Santa Fe And The County Of Santa Fe For Deferred Road Maintenance In The Phase One Annexation Area.**

**4. Executive Session**

- A. Discussion of Pending of Threatened Litigation
- B. Limited Personnel Issues
- C. Discussion of the Purchase, Acquisition or Disposal of Real Property or Water Rights
- D. Collective Bargaining

**G. Public Hearings**

1. Solid Waste Ordinance 2009-, An Ordinance Amending Solid Waste Ordinance 2005-5, To Increase Fees, Expand Service And Repealing Certain Provisions Of Ordinance 2005-5. (Third Public Hearing)

2. **Consideration of Ordinance 2009\_\_\_ An Ordinance Authorizing Santa Fe County To Donate Land, Existing Building For Conversion Or Renovation Into Affordable Housing, Pay The Cost Of Infrastructure Necessary To Support Affordable Housing Projects In Santa Fe County Or Make Housing Assistance Grants. (Affordable Housing)**
3. **CDRC CASE #MIS 09-5261 Richard Montoya Appeal. Richard Montoya, Applicant, Is Appealing The County Development Review Committee's Decision To Deny Recognition Of A 0.396 Acre Lot As A Legal Lot Of Record. The Property Is Located At 6 Mi Tierra, Off State Road 76 In Cuarteles, Within Section 2, Township 20 North, Range 9 East (Commission District 1). John M. Salazar, Case Manager**
4. **CDRC CASE #V 09-5330 Leroy Alderete Variance. Leroy Alderete, Applicant, Requests A Variance Of Ordinance #2000-1 (Height Standards For Walls And Fences) To Allow An Eight Foot (8') Coyote Fence To Be Constructed Atop A Four Foot (4') Retaining Wall For A Total Height Of Twelve Feet (12'). The Project Is Located At 49 County Road 113-A In Section 9, Township 19 North, Range 9 East, (Commission District 1). John M. Salazar, Case Manager**
5. **CDRC CASE # MP 09-5240 Zia RV Sales. Carlos Gallegos, Applicant, James Seibert, Agent, Request A Master Plan Amendment To Include 1.50 Acre Parcel As Part Of A Previously Approved Master Plan. The Property Is Located At 6 Taylor Road Via The Frontage Road, Within Section 5, Township 15 North, Range 8 East, (Commission District 5) Jose E. Larranaga, Case Manager.**
6. **CDRC CASE # MP/PDP 09-5230 Galisteo Village Store. Timothy Willms Applicant, Linda Tigges, Agent, Request Master Plan And Preliminary Development Plan Approval For The Galisteo Village Store , Private Social Club For The , Studio/ Office And Residence Consisting Of A Footprint Of 4,952 Square Feet On .568 Acres. The Property Is Within The Traditional Community Of Galisteo At 2 Via La Puente, Within Section 36, Township 14 North, Range 9 East. (Commission District 3). Jose E. Larranaga, Case Manager.**
7. **BCC CASE # MIS 09-5070 Santa Fe Opera Master Plan Extension. Santa Fe Opera, Applicant, Krista Castor (The Flance Co.) Agent, Request A Two Year Time Extension Of The Amended Master Plan Approval For Santa Fe Opera Village. The Property Is Located At 17053 US Highway 84/285, Within Sections 25 & 26, Township 18 North, Range 9 East. (Commission District 2) (Jose E. Larranaga, Case Manager (TABLED))**

8. **CDRC CASE #S 08-5210 Sandstone Pines Estates.** Anasazi MV JV LLC, applicant, Melvin Varela, agent, request Preliminary and Final Plat and Development Plan approval for a 12-lot residential subdivision on 42.99 acres. The property is located in Glorieta, North of I-25, South of State Road 50, within Sections 1 and 2, Township 15 North, Range 11 East (Commission District 4). Vicki Lucero, Case Manager
9. **CDRC CASE # S 06-5031 The Village at Galisteo Basin Preserve Preliminary Plat/Development Plan.** Commonweal Conservancy Inc., Applicant, Ted Harrison, Agent Request Preliminary Plat And Development Plan Approval For Phase I Of The Village At Galisteo Basin Preserve Which Will Consist Of 131 Single Family Residential Lots, 3 Multi-Family Residential Lots For A Total Of 149 Residential Units, And 5 Non-Residential Lots Within A 60 Acre Development Envelope Within An Overall 10,000+Acre Area. The Request Also Includes The Following Variances Of The County Land Development Code: 1) To Allow Driveway Locations To Be Closer Than 100 Feet From Intersections; 2) To Allow Slopes Of Up To 5% Within 50 Feet Of An Intersection Rather Than Required 3% Or Less Within 100 Feet Of An Intersection; 3) To Allow Driving Lanes For Minor Arterial Roads And Local Sub-Collector Roads To Be Reduced To A Width Of Less Than 12 Feet; 4) To Reduce The Required R-O-W Width From 50 Feet To 32 Feet For Local Sub-Collector Roads And 25 Feet For Local Lane Roadways; 5) To Allow A Cul-De-Sac Length Of 900 Feet; 6) To Allow Commercial And Residential Building Heights Of Up To 30 Feet In Certain Areas. (Commission District 3). Vicki Lucero, Case Manager (TABLED)

### **XIII. Adjournment**

The County of Santa Fe makes every practical effort to assure that its meetings and programs are accessible to people with disabilities. Individuals with disabilities should contact Santa Fe County at 986-6200 in advance to discuss any special needs (e.g., interpreters for the hearing impaired or readers for the sight impaired)